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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,937	06/04/2002	Tetsuyuki Kurata	2418.43US01	3017

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EXAMINER

STAFIRA, MICHAEL PATRICK

ART UNIT PAPER NUMBER

2877

DATE MAILED: 10/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/009,937

Applicant(s)

KURATA ET AL.

Examiner

Michael P. Stafira

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 4-8 and 13-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3,9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Hirosawa ('208).

#### **Claim 1**

Hirosawa ('208) discloses a method of measuring transmitted light intensity of light that has come from the light incident side for a plurality of light incident angles (See Fig. 1, Ref. 3); analyzing dependence (Fig. 1, Ref. 5) of the measured transmitted light intensity for the plurality of light incident angles; and determining the pretilt angle of the element based upon the analysis results (Col. 5, lines 14-18).

#### **Claim 2**

Hirosawa ('208) discloses a method of measuring transmitted light intensity of light that has come from the light incident side for a plurality of light incident angles and at a plurality of optical element arrangements for each light incident angle (See Fig. 1, Ref. 3); analyzing dependence (Fig. 1, Ref. 5) of the measured transmitted light intensity for the plurality of light

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incident angles; and determining the pretilt angle of the element based upon the analysis results (Col. 5, lines 14-18).

**Claim 3**

The reference of Hirose ('208) further discloses an apparent retardation for the plurality of light incident angles is determined based upon the measured transmitted light intensity for the plurality of light incident angles, and in the step of detecting the pretilt angle of the element based upon the analysis results, the pretilt angle of the element is determined based upon the determined apparent retardation for the plurality of light incident angles (Col. 5, lines 41-63).

**Claim 9**

Hirose ('208) discloses a light source (Fig. 1, Ref. 1), a polarizer (Fig. 1, Ref. 2), an element in which the direction of orientation of molecules is twisted from a light incident side to a light outgoing side (Fig. 1, Ref. 3), an analyzer (Fig. 1, Ref. 5), and a photodetector (Fig. 1, Ref. 6), wherein the apparatus also comprises a processing device for processing output signals from the photodetector (Fig. 1, Ref. 8), the processing device analyzes the dependence of transmitted light intensity on a light incident angle based upon the transmitted light intensities for a plurality of light incident angles that were output from the photodetector, and detects the pretilt angle of the element based upon the analysis results (Col. 5, lines 13-20).

**Claim 10**

Hirose ('208) further discloses a quarter-wave plate (Fig. 1, Ref. 4) is provided between the element (Fig. 1, Ref. 3) and the analyzer (Fig. 1, Ref. 5).

**Claim 11**

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The reference of Hirosawa ('208) further discloses the processing device analyzes the dependence of the transmitted light intensity on the light incident angle based upon the transmitted light intensities for a plurality of optical element arrangements for each of the plurality of light incident angles that was output from the photodetector, and detects the pretilt angle of the element based upon the analysis results (Col. 5, lines 13-63).

**Claim 12**

Hirosawa ('208) further discloses the processing device detects an apparent retardation for the plurality of light incident angles based upon the transmitted light intensities output from the photodetector and detects the pretilt angle of the element based upon the determined apparent retardation for the plurality of light incident angles (Col. 5, lines 41-63).

***Allowable Subject Matter***

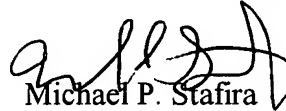
3. Claims 4-8, 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Stafira whose telephone number is 703-308-4837. The examiner can normally be reached on 4/10 Schedule Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 703-308-4881. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Michael P. Stafira  
Primary Examiner  
Art Unit 2877

October 2, 2003